

RICK A. YARNALL
CHAPTER 13 BANKRUPTCY TRUSTEE
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E-FILED

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:
LEONARD A. MANCUSO, II

CASE NO: BKS-16-10769-BTB

CHAPTER 13

Hearing Date: 01/12/2017

Hearing Time: 1:30 PM

THOMAS E CROWE PROFESSI
Attorney for the Debtor

**SUPPLEMENTAL TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN
COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

Chapter 13 Bankruptcy Trustee, RICK A YARNALL, TRUSTEE, hereby obejts to confirmation of the Chapter 13 Plan. The Debtor filed for Chapter 13 relief on 02/22/2016. The 341(a) Meeting of Creditors held on 12/6/2016 at 11:00 a.m. was concluded. The Trustee objects to confirmation of the plan for the following reason:

In order to complete his investigation into the Debtor's financial affairs, Trustee requires the following documentation:

- Form B21 and the Declaration re: Electronic Filing of Petition with original signatures;
- Verification of all sources of income received each month through confirmation of the plan;
- Evidence that vehicle payments are current;
- Evidence that mortgage payments are current;
- Evidence that the Homeowner Association dues are current;
- Paystubs: Drais: August thru 5/1/16; Liason Operations: August thru May 1, 2016
- Bank Statements: all corp statements for: Party Up LLC Pro-duction X LLC Production 123 LLC
- Complete Copy of the Following Tax Returns: 2015 (personal); 2012-2015 corp returns for: Party Up LLC; Pro-duction X LLC; Production 123 LLC

- 1 • Other: 1) profit and loss statements for: Party Up LLC, Pro-Duction X LLC; Production 123 LLC: August thru
- 2 January for look back period and going forward thru confirmation of plan.
- 3 • Other: 2) Copy of personal 2015 tax return and all 1099 statements attributed to gambling in 2015; 3) Provide copies of
- 4 all 1099 statements from January 1, 2016 through May 1, 2016 for all income attributed to gambling; 4) provide copies of all
- 5 K-1s for 2015;
- 6 • Other: 5) Copy of life insurance declaration page & premium statement for all policies; 6) copy of auto insurance
- 7 statement; 7) Provide documentation for homes and vehicles sold from 2014 thru February 2016; 8) provide copies of all
- 8 contracts on vehicles. 9) provide name of attorney in CA regarding seized vehicle; 10) provide documentation on
- 9 seizure of vehicle. 11) provide documentation as to custom ordered vehicle along with copy of sales agreement.

10 Trustee asks that this Court allow him to supplement this opposition after all required documents have been
 11 provided to the Trustee. In the event that the documents are not provided, Trustee requests that the case be dismissed
 12 pursuant to § 521(a)(3).

13 Trustee requests that the following amendments are made:

- 14 • Schedule B to include Debtor's interest in In Jaguar vehicle;
- 15 • Schedule I to include all sources of income;
- 16 • The Statement of Financial Affairs #5: list business income for all businesses; #27: list all interest in businesses: Party
 17 Up LLC; Pro-duction X LLC; Production 123 LLC; #10 list all assets sold.;

18 Trustee objects to the following exemptions claimed on Schedule C:

- 19 • Other: Debtor's claimed Exemptions on items under Fla. Const. art. X, § 4(a)(2) and Fla. Stat. Ann. § 222.25(4) and
 20 §222.13 as debtor is not entitled to exemption claimed pursuant to bankruptcy court order that states debtor is entitled to
 21 claim exemptions set forth under Section 522(d).

22 Trustee objects to the following lines on the Debtor's Form B22C1:

- 23 • Other - include income from all businesses

24 These objections increase Debtor's commitment period, therefore Trustee requests that confirmation of the plan be
 Denied.

Trustee objects to the following lines on the Debtor's Form B22C2:

- 1 • Line 10- Trustee requests documentation to establish that this expense is actual, reasonable and necessary;
- 2 • Line 16 - Taxes - The amount listed exceeds the total monthly amount that is allowed;
- 3 • Line 30 - Additional food and clothing expense - Trustee objects to this expense as it exceeds the amount
- 4 allowed. Trustee also requests documentation to establish that this expense is actual, reasonable and necessary;
- 5 • Other: include income from all LLCs: Party Up LLC; Pro-duction X LLC; Production 123 LLC
- 6 • Other: Line 13d: include lender and vehicle payment or remove vehicle.

7 These objections increase the Debtor's disposable income. Debtor's plan does not provide for all of Debtor's
8 disposable income, therefore Trustee requests that confirmation of the plan be denied.

9 Trustee further opposes confirmation for the following reasons:

- 10 • Plan requires the Debtor to value property. Trustee asks that this Court withhold from confirming the instant plan
- 11 until an order valuing the property has been entered;
- 12 • Plan is not feasible;
- 13 • Plan does not provide for all secured and priority claims filed;
- 14 • Other: Section 1.11: tax refunds to be turned over 2016-2020; Section 1.05: provide for liquidation value of 2014 tax
- 15 refund received after filing; Sec 2.19 insufficient to pay disposable income based on 122C;
- 16 • Other: Pursuant to LR 3015(h)(1) monthly vehicle payments that were delinquent at the time of filing must be paid
- 17 through the chapter 13 trustee as conduit payments.
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1 Trustee reserves the right to make further objections to confirmation and requests for documentation until the above
2 mentioned documents have been received, amendments have been made, and the plan is ultimately confirmed or
3 dismissed. In the event that the Debtor(s) fail to timely resolve Trustee's objection to confirmation, Trustee requests that
4 confirmation be denied and the case be dismissed.

5 Therefore, the Trustee objects to confirmation for the foregoing reasons and recommends that this case be dismissed.

6 DATED this 30th day of December, 2016.

7
8 /s/ Rick A. Yarnall

9 RICK A. YARNALL

10 Chapter 13 Bankruptcy Trustee

11 701 Bridger Ave, Suite 820

12 Las Vegas, Nevada 89101

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14 **CERTIFICATE OF SERVICE**

15 I hereby certify that I am an employee of RICK A. YARNALL, Chapter 13 Bankruptcy Trustee; that I am over the
16 age of 18 years; and that on the 30th day of December, 2016, I provided a copy of the Trustee's Opposition to
17 Confirmation of Plan Combined With Trustee's Recommendation for Dismissal and Certificate of Service to each of
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1 [x] a. **ECF System:**
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